

REMARKS

Applicants respectfully request reconsideration of the present application in view of the following remarks. Prior to entry of this response, claims 27-54 were pending in the application, of which claims 27 and 43 are independent. In the Office Action dated June 28, 2005, claims 43, 44, 49 and 50 were rejected under 35 U.S.C. § 102(b) and claims 27-29, 32, 35-42, 45-47 and 51-54 were rejected under 35 U.S.C. § 103(a). Claims 30, 31, 33, 34 and 48 were rejected under the nonstatutory doctrine of double patenting. Following this response, claims 27-29, 32, 35-47 and 49-54 have been canceled. Claims 30, 31, 33, 34 and 48 remain pending in this application. Applicants hereby address the Examiner's rejections in turn.

I. Amendments to the Claims

Applicants propose amending claims 30, 31, 33 and 34 to incorporate the limitations of the now-canceled claim 27, from which claims 30, 31, 33 and 34 previously depended. Applicants further propose amending claim 48 to include the limitations of the now-canceled claim 43, from which claim 48 previously depended. The amendments place each of claims 30, 31, 33, 34 and 48 in independent form.

II. Rejection of the Claims Under 35 U.S.C. § 102(b)

The Examiner rejected claims 43, 44, 49 and 50 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,576,940 to Stone *et al.* ("Stone"). As these claims have been canceled without prejudice in the proposed Amendment After Final, Applicants respectfully assert that this rejection is moot.

III. Rejection of the Claims Under 35 U.S.C. § 103(a)

In the Office Action, the Examiner rejected claims 27, 29, 32, 35, 46 and 47 as being obvious over Stone in view of the alleged Applicant Admitted Prior Art contained in Figure 3 of Applicants' specification ("AAPA"). Because claims 27, 29, 32, 35, 46 and 47 have been canceled without prejudice in the proposed Amendment After Final, Applicants respectfully assert that this rejection is now moot.

IV. Double Patenting

The Examiner rejected claims 30, 31, 33, 34 and 48 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 13-16 of U.S. Patent No. 6,781,062 to Kuss *et al.* ("Kuss") in view of Stone. An appropriate terminal disclaimer obviating the double-patenting rejection is filed concurrently with this Amendment After Final. Accordingly, Applicants respectfully requests that the rejection be withdrawn.

V. Conclusion

Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 30, 31, 33, 34 and 48 in condition for allowance. Applicants submit that the proposed amendments and issues raised herein do not introduce new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

Moreover, Applicants submit that the entry of the Amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.


In view of the foregoing remarks, Applicants submit that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

The amendments proposed in this Amendment After Final bring the total number of independent claims presented in this application to five. Applicants calculate that an additional fee of \$400.00 is due for presenting independent claims in excess of three, and enclose payment in that amount herewith. Should any additional claim presentment fees be due, please charge them to our deposit account. In addition, please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: November 17, 2005

By: 
Cortney S. Alexander
Reg. No. 54,778